

Notice of Allowability

Application No.

10/613,987

Examiner

John R. Sanders

Applicant(s)

SPECTOR, ROBERT T.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed 25 April 2005.
2. ☒ The allowed claim(s) is/are 8-13.
3. ☒ The drawings filed on 25 April 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The prior art of record exhibits the current state of the art with respect to the treatment of amblyopia. Cody (US 5,956,126) discloses a binocular lens system for the use of selective magnification with occlusion therapy (Abstract) to achieve equal resolution between amblyopic eyes (col. 2, lines 2-27). Cody does not expressly disclose the use of a contact lens as an element of said binocular lens system. Ho (US 2003/0208265 A1) discloses the use of supplementary endo-capsular lens (SECL) to provide optical magnification to an amblyopic eye without occlusion or penalization therapy. Ho does not expressly disclose or suggest the use of a contact lens as part of a binocular lens system to provide optical magnification for treatment of amblyopia. Filderman (US 3,027,803) and Reese (US 4,979,812) both disclose the use of a magnifying lens system including a contact lens on the eye including testing for the optimal diopter powers used in said system to aid subnormal vision, but do not anticipate or render obvious a method involving such a system for the treatment of monocular or binocular amblyopia to achieve harmony between the left and right visual channels in accordance with the limitations of the instant claims.
3. The other references made of record are indicative of the current state of the art in amblyopia treatment.
4. The prior art does not anticipate or render obvious the limitations of, in a method of treating monocular amblyopia: (a) applying a complex afocal binocular lens system including a contact lens to the amblyopic eye to provide more magnification to the amblyopic eye than the non-amblyopic eye, without occluding or penalizing the non-amblyopic eye; (b) during

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treatment, testing the powers of the patient's vision including stereoscopic vision and adjusting the correction of the applied lens system to enable good bilateral vision; and (c) when the patient's stereoscopic power nears a predetermined disparity, adjusting the lens system to enable the patient's left and right visual channels to achieve a persistent state of harmonious binocular vision.

5. Furthermore, the prior art does not anticipate or render obvious, in a method of treating binocular amblyopia: (a) applying a pair of reverse-afocal binocular lens systems including a contact lens on each amblyopic eye to provide magnification to the more amblyopic eye and minification to the less amblyopic eye in order to over-stimulate the more amblyopic eye and under-stimulate the less amblyopic eye; (b) during treatment, testing the powers of the patient's vision including stereoscopic vision and adjusting the correction of the applied lens systems to enable good bilateral vision; and (c) when the patient's stereoscopic power nears a predetermined disparity, adjusting the magnification of the two lens systems to enable the patient's left and right visual channels to achieve a persistent state of harmonious binocular vision.

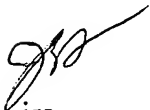
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Sanders whose telephone number is (571) 272-4742. The examiner can normally be reached on M-F 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700